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NEW MEXICO ENVIRONMENT DEPARTMENT

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BUTCH TONGATE
Cabinet Secretary

J. C. BORREGO
Deputy Secretary

Original via USPS-Copy via Electronic Mail

June 9, 2017

Mr. William K. Honker, Director
Water Quality Protection Division (6WQ)
U. S. Environmental Protection Agency
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Re: State Certification

Dear Mr. Honker:

Enclosed, please find the state certification for the following proposed National Pollutant Discharge Elimination System (NPDES) permit NM0029165 City of Ruidoso Downs and Village of Ruidoso WWTP.

If any, comments and conditions are enclosed on separate sheets.

U.S. Environmental Protection Agency (USEPA) proposes to regulate discharges under the above- referenced NPDES Individual Permit. A state Water Quality Certification is required by the federal Clean Water Act (CWA) §401 to ensure that the action is consistent with state law (New Mexico Water Quality Act, sections 74-6-1 through 74-6-17, New Mexico Statutes Annotated (NMSA) 1978) and complies with state Water Quality Standards [*State of New Mexico, Standards for Interstate & Intrastate Surface Waters, New Mexico Water Quality Control Commission, 20.6.4 New Mexico Administrative Code (NMAC)*] , the Water Quality Management Plan/Continuing Planning Process, including Total Maximum Daily Loads (TMDLs), and the Antidegradation Policy.

Pursuant to State regulations for permit certification (Section 20.6.2.2001 NMAC), USEPA jointly with NMED issued a public notice of the draft permit and announced a public comment period posted on the NMED web site at www.nmenv.state.nm.us/swqb/WQA/Notice on May 6, 2017. The NMED public comment period ended on June 7, 2017. NMED received comments from Village of Ruidoso and City of Ruidoso Downs, which were considered in this certification.

Sincerely,

/s/Shelly Lemon

Shelly Lemon, Bureau Chief
Surface Water Quality Bureau

cc: (w/ enclosures)
Ms. Evelyn Rosborough, USEPA (6WQ-NP) via e-mail
Mr. Brent Larsen, USEPA (6WQ-PP) via e-mail
Mr. Tung Nguyen, USEPA (6WQ-PP) via e-mail
Village of Ruidoso and City of Ruidoso Downs via email

Mr. Sam Coleman, Regional Administrator
Environmental Protection Agency
1445 Ross Avenue
Dallas, TX 75202-2733

June 9, 2017

STATE CERTIFICATION

RE: **City of Ruidoso Downs and Village of Ruidoso WWTP - NM0029165**

Dear Mr. Coleman:

The New Mexico Environment Department has examined the proposed NPDES permit above. The following conditions are necessary to assure compliance with the applicable provisions of the Clean Water Act Sections 208(e), 301, 302, 303, 306, and 307 and with appropriate requirements of State law. Compliance with the terms and conditions of the permit and this certification will provide reasonable assurance that the permitted activities will be conducted in a manner which will not violate applicable water quality standards and the water quality management plan and will be in compliance with the antidegradation policy.

The State of New Mexico

- ☒ (X) certifies that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law
- ☐ () certifies that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law upon inclusion of the following conditions in the permit (see attachments)
- ☐ () denies certification for the reasons stated in the attachment
- ☐ () waives its right to certify

In order to meet the requirements of State law, including water quality standards and appropriate basin plan as may be amended by the water quality management plan, each of the conditions cited in the draft permit and the State certification shall not be made less stringent.

The Department reserves the right to amend or revoke this certification if such action is necessary to ensure compliance with the State's water quality standards and water quality management plan.

Please contact Sarah Holcomb at (505) 827-2798, if you have any questions concerning this certification. Comments and conditions pertaining to this draft permit are attached.

Sincerely,

/s/Shelly Lemon

Shelly Lemon
Bureau Chief
Surface Water Quality Bureau

City of Ruidoso Downs and Village of Ruidoso WWTP
State Comments on the Proposed NPDES Permit #NM0029165
June 9, 2017

Comments that are not Conditions of Certification:

1. NMED supports reducing the monitoring for toxics to once during the first quarter using sufficiently sensitive methods, and then if not detected, ending monitoring requirements.
2. EPA approved the Rio Ruidoso TMDL on Dec 13, 2016. The TMDL includes an allowance in the wasteload allocation for the WWTP for future flow increases up to the design flow. NMED encourages Ruidoso's efforts to add additional units to the collections and treatment system during this permit cycle and supports using the estimated future peak 30 day average flow during the 2017-2022 permit cycle of 2.1 MGD. The TMDL allowance for 2.1 MGD peak flow would establish the effluent discharge limit for the 30 day avg as 41.5 lbs/day for TN, and 1.84 lbs/day for TP. The compliance schedule should include an annual progress report on design completion, construction start and completion throughout the permit period.